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SERVICE DATE - DECEMBER 30, 2004

SURFACE TRANSPORTATION BOARD

DECISION

STB Docket No. AB-167 (Sub-No. 1179X)

CONSOLIDATED RAIL CORPORATION—DISCONTINUANCE  
EXEMPTION—IN SUFFOLK COUNTY, MA

Decided: December 29, 2004

In a decision served on November 17, 1997, the Board, under 49 U.S.C. 10502, granted to Consolidated Rail Corporation (Conrail) a discontinuance exemption for a period of 3 years, until December 16, 2000. This limited-term exemption from the prior approval requirements of 49 U.S.C. 10903 allowed Conrail to temporarily discontinue service over a line of railroad known as the Boston Terminal Running Track (also referred to as "Track 61"), lying between the west side of Summer Street at approximately railroad milepost 0.85 and the end of the track at Boston Harbor Pier, a distance of approximately 2,635 feet, in the City of Boston, Suffolk County, MA. The exemption was subject to standard employee protective conditions. The expiration date of the exemption was extended through December 31, 2004, by decisions served on February 6, 2001, and December 30, 2003.

On December 21, 2004, CSX Transportation, Inc. (CSXT), which now would be the operator of the line pursuant to the Board's authorization in CSX Corp. et al.—Control—Conrail Inc. et al., 3 S.T.B. 196 (1998), requested an extension of the expiration date of the exemption for an additional year, until December 31, 2005. According to CSXT, construction of the Central Artery/Tunnel Project, by the Massachusetts Turnpike Authority, is not complete. This construction was the reason for granting the exemption to Conrail.

Good cause having been shown, the exemption period will be extended to December 31, 2005.

This action will not significantly affect either the quality of the human environment or the conservation of energy resources.

It is ordered:

1. The expiration date of the exemption previously granted in this proceeding is extended until December 31, 2005.

2. This decision is effective on the date of service.

By the Board, Chairman Nober, Vice Chairman Mulvey, and Commissioner Buttrey.

Vernon A. Williams  
Secretary